

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:16-cv-00863-FDW-DSC

COSTON THOMPSON,

Plaintiff,

vs.

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

ORDER

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**THIS MATTER** is before the Court upon Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 17), Defendant's Motion for Summary Judgment (Doc. No. 19), and the Memorandum and Recommendation of Magistrate Judge David S. Cayer (Do. No. 21). For the reasons set forth herein, the Court ACCEPTS and ADOPTS the Memorandum and Recommendation (Doc. No. 21), DENIES Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 17), and GRANTS Defendant's Motion for Summary Judgment. (Doc. No. 19). The Commissioner's decision is AFFIRMED.

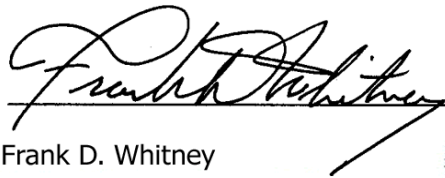
The Federal Magistrate Act provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). "By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Here, the M&R signed December 21, 2017, informed the parties of the time for appeal noting that

“pursuant to 28 U.S.C. §636(b)(1)(c), written objections to the proposed findings of fact and conclusions of law and the recommendation contained in this Memorandum must be filed within fourteen (14) days after service of same. Failure to file objections to this Memorandum with the District Court constitutes a waiver of the right to de novo review by the District Judge.” (Doc. No. 21, p. 10). No party filed an objection to any portions of the M&R, and the time for doing so has expired.

Accordingly, after a careful review of the record in this case, the Court finds no clear error on the face of the M&R. The Magistrate Judge's findings of fact are supported by the record, and his conclusions of law are consistent with and supported by current case law. Thus, the Memorandum and Recommendation (Doc. No. 21) is hereby ACCEPTED and ADOPTED, Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 17) is hereby DENIED, and Defendant's Motion for Summary Judgment (Doc. No. 19) is hereby GRANTED. The Commissioner's decision is AFFIRMED. The Clerk's Office is directed to CLOSE THE CASE.

IT IS SO ORDERED.

Signed: January 23, 2018

  
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Frank D. Whitney  
Chief United States District Judge

